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FILED  
HARRISBURG, PA

MAR 12 2002

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Per \_\_\_\_\_  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT C. WELDON

:

:

Plaintiff

:

:

NO. 1:CV-01-1098

v.

:

:

(Judge Caldwell)

:

MR. NORK, *et al.*,

:

:

Defendants

:

:

DEFENDANT NORK'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56, defendant Anthony J. Nork, moves for summary judgment on the grounds that there is no genuine issue of material fact in dispute and he is entitled to judgment in his favor as a matter of law. Specifically, defendant issued the challenged misconduct because of what defendant observed and not to retaliate against plaintiff for his exercise of protected First Amendment rights. A separate Defendant's Statement of Material and Undisputed Facts is being filed with this motion.

WHEREFORE, this Court should enter summary judgment in favor of defendant

Anthony J. Nork and against plaintiff Robert C. Weldon

Respectfully submitted,

D. MICHAEL FISHER  
Attorney General

By:

*Francis R. Filipi*

FRANCIS R. FILIPI  
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Counsel for defendant  
Anthony J. Nork

Date: March 12, 2002

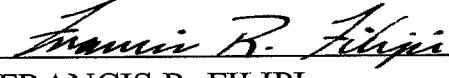
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ROBERT C. WELDON :  
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Plaintiff :  
: NO. 1:CV-01-1098  
v. :  
: (Judge Caldwell)  
:  
MR. NORK, *et al.*, :  
:  
Defendants :

CERTIFICATE OF SERVICE

I, FRANCIS R. FILIPI, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on this date I caused to be served a true and correct copy of the foregoing document entitled Defendant Nork's Motion for Summary Judgment by depositing same in the United States Mail, first-class postage prepaid to the following:

Robert C. Weldon, DL-7681  
State Correctional Institution at Dallas  
1000 Follies Road  
Dallas, PA 18612-0286

  
\_\_\_\_\_  
FRANCIS R. FILIPI  
Senior Deputy Attorney General

Date: March 12, 2002